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8 *Attorneys for Plaintiffs NBC Universal Media,*
9 *LLC, et al.*

10 UNITED STATES DISTRICT COURT

11 CENTRAL DISTRICT OF CALIFORNIA

12 FOX TELEVISION STATIONS, INC.,) Case No. 2:12-cv-06921-GW-JCx
13 et al.)

14 Plaintiffs,)

15 v.)

(Consolidated with Case
No. CV12-6950-GW-JCx)

JOINT STATUS REPORT

16 FILMON X, LLC, FILMON.TV, INC.,)
17 FILMON.TV NETWORKS, INC.,)
18 FILMON.COM, INC., ALKIVIADES)
DAVID, and JOHN DOES 1-3,)
19 inclusive,)

20 Defendants.)

21 NBCUNIVERSAL MEDIA, LLC, et al.)

22 Plaintiffs,)

23 v.)
24)

25 FILMON X LLC, ET AL.,)

26 Defendants.)
27
28

1 All Plaintiffs and all Defendants in this action respectfully submit this joint
2 status report in response to the Court's July 27, 2015 Minute Order (Dkt. No. 209).

3 As this Court is aware, on July 24, 2015, it granted Defendants' motion for
4 partial summary judgment in part and denied Plaintiffs' motion for summary
5 judgment in part as set forth in its tentative opinion filed on July 16, 2015 (Dkt. No.
6 204) (the "Opinion"). (Dkt. 208.) In its summary judgment order adopting the
7 Opinion, the Court ruled that Defendants are "potentially entitled to a compulsory
8 license under 17 U.S.C. Section 111(c) if they meet the applicable requirements, but
9 Defendants remain potentially liable for their non-compliant secondary
10 transmissions" (the "Summary Judgment Order"). In addition, this Court certified an
11 immediate appeal under 28 U.S.C. § 1292(b).

12 The Court's Summary Judgment Order also preserved the status quo by leaving
13 in place its preliminary injunction order enjoining Defendants' retransmission service
14 within the geographical boundaries of the United States Court of Appeals for the
15 Ninth Circuit (the "Ninth Circuit") and stayed further proceedings in this case
16 pending Plaintiffs' appeal.

17 On August 3, 2015, Plaintiffs filed an unopposed petition under 28 U.S.C.
18 § 1292(b) with the Ninth Circuit seeking leave to file an immediate appeal of the
19 Summary Judgment Order. On August 13, 2015, Defendants' answered Plaintiffs'
20 petition.

21 On September 16, 2015, the Ninth Circuit granted Plaintiffs' petition for an
22 immediate appeal of the Summary Judgment Order.

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1 On September 17, 2015, the Ninth Circuit issued a Time Schedule Order on
2 Plaintiffs' appeal. Under that order, Plaintiffs' opening brief is due on December 28,
3 2015 and Defendants' answering brief is due on January 28, 2016.

4 Dated: October 26, 2015

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7 By: /s/ James S. Blackburn

8 James S. Blackburn

9 Attorneys for NBCUniversal Plaintiffs

11 Dated: October 26, 2015

JENNER & BLOCK LLP

14 By: /s/ Julie A. Shepard

15 Julie A. Shepard

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18 Dated: October 26, 2015

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